

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Brett William Ferguson,)	Case No.: 6:24-3984-JD-KFM
)	
Plaintiff,)	
)	
vs.)	
)	SUMMARY DISMISSAL ORDER
Pickens County Detention Center,)	
Tommy Blankenship, Kevin Durham,)	
)	
Defendants.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kevin F. McDonald (DE 20), made under Local Civil Rule 73.02(B)(2) of the District of South Carolina concerning the Magistrate Judge’s initial review of Plaintiff Brett William Ferguson’s (“Plaintiff” or “Ferguson”) pleadings.¹

A. Background

On July 17, 2024, Ferguson, a pretrial detainee proceeding *pro se* and *in forma pauperis*, brought this action pursuant to 42 U.S.C. § 1983 alleging violations of his constitutional rights by Defendants Pickens County Detention Center, Tommy Blankenship, and Kevin Durham (collectively “Defendants”). (DE 1). Plaintiff alleges violations of his right to proper medical treatment (DE 16 at 4). Plaintiff further

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

alleges that he was hospitalized due to bad water and/or food at the Pickens County Detention Center (*id.* at 5). Plaintiff alleges injuries including hospitalization, worsened post-traumatic stress disorder, and trouble with his bowels (DE 16 at 6). For relief, Plaintiff seeks money damages (*id.*).

By order filed August 15, 2024, Plaintiff was informed that his complaint was subject to summary dismissal because it failed to state a claim upon which relief may be granted, and that he could attempt to cure the defects identified in his complaint by filing an amended complaint within 14 days (DE 12). Plaintiff was informed that if he failed to file an amended complaint or otherwise cure the deficiencies outlined in the order, the Magistrate Judge would recommend that his case be dismissed (*id.* at 8–9). On September 5, 2024, after the deadline to provide an amended complaint passed, Plaintiff filed an amended complaint (DE 16). Plaintiff's amended complaint likewise fails to state a claim upon which relief may be granted.

B. Report and Recommendation

On September 24, 2024, the Magistrate Judge issued the Report recommending that this Court dismiss Plaintiff's case without prejudice and without issuance and service of process. (DE 20). Plaintiff did not object to the Report.

C. Legal Standard

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the

recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

D. Conclusion

Since Ferguson has not objected, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 20) and incorporates it here by reference.

It is, therefore, ORDERED that Plaintiff’s case is dismissed with prejudice and without issuance and service of process.

IT IS SO ORDERED.

November 7, 2024
Florence, South Carolina

A handwritten signature in black ink, reading "Joseph Dawson, III". The signature is written in a cursive style with a large, looping "J" and "D".

Joseph Dawson, III
United States District Judge

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.